

Notice of Allowability

Application No.

09/495,556

Examiner

Susan T. Tran

Applicant(s)

KUHRTS, ERIC H.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment filed 03/28/05.
2. ☒ The allowed claim(s) is/are 51-55, 57-70, 72-84, 86-94, 96-98, 101-105 and 107.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 03/28/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary Oakeson on 03/28/05.

The application has been amended as follows:

Claim 51, line 2, the phrase "an oil" has been amended to "a vegetable oil".

Claim 51, lines 2-3, the phrase "above about 110 Deg. F." has been amended to "between 120 degree F and 200 degree F".

Claims 53, 54 and 61, the phrase "the oil" has been amended to "the vegetable oil".

Claims 57-60, the phrase "the oil having a melting point above about 110 Dg. F" has been amended to "the vegetable oil".

Claim 65, line 3, the phrase "an oil" has been amended to "a vegetable oil".

Claim 65, lines 3-4, the phrase "above about 110 Deg. F." has been amended to "between 120 degree F and 200 degree F".

Claims 66, 68, 69, and 76, the phrase "the oil" has been amended to "the vegetable oil".

Claims 72-75, the phrase "the oil having a melting point above about 110 Dg. F" has been amended to "the vegetable oil".

Claim 80, line 2, the phrase "an oil" has been amended to "a vegetable oil".

Claim 80, lines 2-3, the phrase "above about 110 Deg. F." has been amended to "between 120 degree F and 200 degree F".

Claims 82, 83 and 90, the phrase "the oil" has been amended to "the vegetable oil".

Claims 86-89, the phrase "the oil having a melting point above about 110 Dg. F" has been amended to "the vegetable oil".

Claim 94, line 4, the word "essentially" has been deleted.

Claim 102, line 4, the word "essentially" has been deleted.

Claims 56, 71 and 85 have been cancelled.

The following is an examiner's statement of reasons for allowance:

The cited prior arts do teach or suggest a microencapsulation process requires adding and mixing the core material and the vegetable oil until microencapsulated particles are formed within a high shear mixer, and discharging the microencapsulated particles as a powder from the high shear mixer. This high shear mixer is known to produce unique mixing action, and providing a high volume rate of material transfer throughout the entire length of the vessel.

The reason for allowance of the product claims is the use of the transitional phrase "consists of" to exclude all other components use in the microencapsulated formulation but what is disclosed in claims 94 and 102.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 51-55, 57-70, 72-84, 86-94, 96-98, 101-105 and 107 are allowed.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan T. Tran whose telephone number is (571) 272-0606. The examiner can normally be reached on Monday through Thursday 6:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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